

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

Spiech Farms, LLC,

Debtor.

Case No. 17-05398

Chapter 11 — Filed: 11/22/2017

**AGREED ORDER TO APPROVE
MOTION TO ASSUME EXECUTORY CONTRACT
WITH FPI COLORADO, INC.**

THIS MATTER having come to be heard upon the Debtor's Motion (the “**Motion**”) to Assume Executory Contract with FPI Colorado, Inc. (“**FPIC**”)[Dkt. No. 168]; the Official Committee of Unsecured Creditors of Spiech Farms, LLC (the “**Committee**”) having filed a limited objection to the Motion [Dkt. No. 204]; Chemical Bank having filed an objection to the Motion [Dkt. No. 195]; the Committee and Chemical Bank objections having been resolved under the terms of this Agreed Order; and the Court being otherwise fully advised in the premises;

IT IS THEREFORE ORDERED THAT:

1. The Motion is granted.
2. The Debtor shall be deemed to have extended and assumed the Farmland Leases (as defined in the Motion), Pursuant to 11 U.S.C. § 365.
3. The Debtor is authorized to execute such documents as may be necessary to assume the Farmland Leases.
4. Notwithstanding anything in the Motion to the contrary:
 - (a) the right of FPIC to file a claim, including a priority or administrative claim, or motion seeking allowance or payment of an administrative expense, and the right of the

Committee, creditors, and other parties in interest to timely object to any such claim or motion, is reserved under this Agreed Order and is unaffected by this Agreed Order;

(b) the Landlord's Statutory Lien and Security Agreement attached as Exhibit "B" to the Debtor's motion shall not be construed to allow FPIC to recover more than its annual rent and all expenses related to taking possession of and selling the crops in the event of a default by the Debtor;

(c) FPIC will give Chemical Bank, through its attorney, at least five business days' notice and right to cure, by electronic delivery, if the Debtor is in monetary default or if FPCI has declared a default under any one or more of the Farmland Leases;

(d) Chemical Bank will give FPIC, through its attorney, notice, by electronic delivery, if the Debtor is in monetary default or if the Bank has declared a default of any Cash Collateral Order or any plan term related to Chemical Bank; and

(e) The agreements for giving notice and the right to cure under paragraphs (c) and (d) above shall end February 28, 2019.

END OF ORDER

Signed: February 27, 2018



John T. Gregg
John T. Gregg
United States Bankruptcy Judge